



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

### DRAFT MINUTES FOR REGULAR SESSION MEETING

Held on August 7, 2008

9535 E. Doubletree Ranch Road • Scottsdale, Arizona

#### **Board Members**

William R. Martin III, M.D., Chair  
Douglas D. Lee, M.D., Vice Chair  
Dona Pardo, Ph.D., R.N., Secretary  
Robert P. Goldfarb, M.D., F.A.C.S.  
Patricia R. J. Griffen  
Andrea E. Ibáñez  
Ram R. Krishna, M.D.  
Todd A. Lefkowitz, M.D.  
Lorraine L. Mackstaller, M.D.  
Paul M. Petelin Sr., M.D.  
Germaine Proulx  
Amy J. Schneider, M.D., F.A.C.O.G.

#### **CALL TO ORDER**

The meeting was called to order at 8:00 a.m.

#### **ROLL CALL**

The following Board members were present: Ms. Ibáñez, Dr. Krishna, Dr. Lee, Dr. Lefkowitz, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board members were absent: Dr. Goldfarb, Ms. Griffen and Dr. Petelin.

#### **CALL TO THE PUBLIC**

There was no one present to speak during the call to the public.

#### **OTHER BUSINESS**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	RESOLUTION
1.	MD-06-0693A	S.S.	ROBERT L. MAHANTI, M.D.	20847	Reopen for reconsideration of the Board action and to return the case for two different outside medical consultant reviews.

This case came before the Board in August 2007 when Dr. Mahanti presented for a Formal Interview and the outside medical consultant (OMC) assigned to this case was Dr. Lefkowitz, prior to his appointment to the Board. The Board voted to issue Dr. Mahanti an Advisory Letter with non-disciplinary CME following the Formal Interview. Subsequently, Dr. Mahanti requested to appeal the action in January 2008 and again during the call to the public at the Board's February 2008 meeting; however, an Advisory Letter is not appealable.

Dr. Martin called this meeting as the result of information that came to the Board's attention at its June 2008 Board Meeting when Dr. Lefkowitz addressed the Board, as a previous OMC, during the call to the public. Dr. Martin believed that Dr. Lefkowitz's statements at that meeting left room for the possibility that there was some bias when he reviewed Dr. Mahanti's case. Dr. Martin also stated that it is the Board's responsibility to remove any doubt by requesting a second OMC review of this matter. Dr. Martin instructed Board members, in the interest of fairness, to not entertain any action greater than upholding the Advisory Letter based on the second review.

Dr. Martin also stated that this is a highly unusual matter that calls into question the integrity of the Board and the decisions made by this body. The matter is being addressed to provide due process to Dr. Mahanti and to eliminate any doubt about the Board's desire to operate with the utmost integrity. Dr. Martin explained that this matter is not being reconsidered because of Dr. Mahanti's requests per se, but because of the Board's own internal concerns in light of new information.

**MOTION: Dr. Martin moved to reopen for reconsideration of the Board action and to return the case for two different outside medical consultant reviews.**

**SECONDED: Dr. Mackstaller**

Dr. Mackstaller spoke in favor of the motion stating this demonstrates the Board's reasons for decision making in a public forum. Dr. Krishna also spoke in favor of the motion and commended Dr. Martin for his leadership. He stated that when there is such a concern, that a case should be reopened to remove any doubt. Dr. Martin stated that the Board could have ignored the issue and just walked away, but the easy thing to do is not always the right thing to do.

**ROLL CALL VOTE:** Roll call vote was taken and the following Board members voted in favor of the motion: Ms. Ibáñez, Dr. Krishna, Dr. Mackstaller, Dr. Martin, Dr. Pardo, Ms. Proulx, and Dr. Schneider. The following Board members were recused: Drs. Lee and Lefkowitz. The following Board members were absent: Dr. Goldfarb, Ms. Griffen and Dr. Petelin.

**VOTE:** 7-yay, 0-nay, 0-abstain, 2-recuse, 3-absent.

**MOTION PASSED.**



The meeting adjourned at 8:08 a.m.

---

Lisa S. Wynn, Executive Director